

REMARKS

Reconsideration and allowance of the subject application in view of the following amendments and the following remarks is respectfully requested.

Claims 10-19 remain pending in the application. Claim 10 has been amended to better define the claimed subject matter. Applicants appreciatively note that claim 16 contains allowable subject matter indicated by the Examiner. Claim 19 corresponding to claim 10 has been added to incorporate the limitations of allowable claim 16. Thus, claim 19 should be allowable.

Claim 18 is objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim. The Examiner points out that there is no difference between "constantly" directing the light and merely directing the light.

Applicants respectfully disagree with the Examiner. The limitation "constantly" in claim 18 finds support at page 5 line 33 to page 6 line 2 of the original specification of the instant application. For example, "advantageously, the light radiation observed by each pupil 20 is constantly directed towards a separate part of the sensor 23 by the optical means 1. This avoids any sequential device in the optical path between the pupils and the sensor. Such a sequential device would limit the sensitivity of the sensor and the choice of processing frequency of the sensor". That is, merely directing the light does not have the advantage provided by the claimed feature, i.e., "constantly" directing the light. Accordingly, withdrawal of the objection is respectfully requested.

Claims 10-12, 14 and 17-18 are rejected under 35 USC 102(b) as being anticipated by Hall, U.S. Patent No. 5,692,226 (hereafter referred to as 'Hall'). Applicants respectfully disagree with the Examiner for at least the reasons detailed in the previous Amendment of July 09, 2009. Nevertheless, claim 10 has been amended solely for the purpose of expediting prosecution. Applicants respectfully traverse the rejection for the reasons discussed below.

Claim 10 recites that wherein the light radiation to be observed by each said pupil is reflected by one of the at least one mirror toward a separated part of the sensor by the optical means. This feature is not disclosed by Hall.

According to the claimed subject matter in claim 10, for each distinct part of the object field, the light radiation observed by one pupil is reflected by at least a mirror (two mirrors 21, 22 in the exemplarily illustrated embodiment of the present application) toward a separated part of the sensor. On the contrary, Hall discloses that, when rays 14 are reflected by mirror/filter 10/11, the rays 14 are directed toward the same sensor 13 rather than any other separated part. (See, Fig. 5 of Hall).

Further, the Examiner pointed out that the light incident through the bottom pupil 9 reaches the bottom portion of the sensor 17 and light incident through the top pupil 9 reaches the upper portion of the sensor 17, as disclosed by Hall. In response, Applicants respectfully submit that when rays 14 are directed toward the upper/bottom portion of the sensor 17, the rays 14 are transmitted through the mirror/filter 10/11 rather than reflected by the mirror filter 10/11.

Accordingly, the claimed feature of claim 10 is not anticipated by the applied art. For at least the reasons discussed above, claim 10 should be patentable over the applied art and the rejection should be withdrawn.

The dependent claims depend upon claim 10 and should also be patentable for the reasons advanced with respect to claim 10 as well as for their own merits.

Claim 13 is rejected under 35 USC 103(a) as being unpatentable over Hall in view of Igel et al., U.S. Patent No. 6,370,960 (hereafter referred to as 'Igel'). Igel fails to cure the deficiency of Hall. Further, Applicants respectfully traverse this rejection for the reason discussed in previous Amendment of July 09, 2009. Accordingly, claim 13 should be separately patentable and this rejection should be withdrawn.

Claim 15 is rejected under 35 USC 103(a) as being unpatentable over Hall in view of Sugawara, Pub. No. US 2001/0015847 (hereafter referred to as 'Sugawara'). Sugawara fails to cure the deficiency of Hall. Further, Applicants respectfully traverse this rejection for the reason discussed in previous Amendment of July 09, 2009. Accordingly, claim 15 should be separately patentable and this rejection should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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